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FILED VIA ECF

Honorable Paul G. Gardephe
United States District Court Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Everytown for Gun Safety Action Fund, Inc. v. Defcad, Inc. et al.*, 21-cv-08704

Dear Judge Gardephe:

We write on behalf of the Plaintiff Everytown for Gun Safety Action Fund, Inc. (“Everytown”) per the Court’s request to file a clean version of the proposed protective order, and to state Everytown’s position regarding the scope of the Second Circuit’s December 22, 2021 temporary stay order. See 21-3079 (ECF 23) [“Temporary Stay Order”]. Per the Court’s request, a clean unmarked copy of the parties’ proposed stipulated protective order is attached hereto as **Exhibit A**. The Temporary Stay Order is attached as **Exhibit B**. Everytown contacted Defendants’ counsel on February 10, 2022 and Defendants’ counsel declined to join in this letter.

Everytown’s position is that the Temporary Stay Order applies solely to the Dec. 17, 2021 Order pertaining to third party Twitter, Inc. and Twitter’s production of discovery by Dec. 24, 2021. The plain language of the Temporary Stay Order is limited to Defendants’ motion for an emergency “**stay of the district court’s December 17, 2021 order directing Twitter, Inc. to produce discovery by December 24, 2021**”. See Exhibit B (emphasis added). The Temporary Stay Order does not address any other aspect of this Court’s proceedings. The Temporary Stay Order is also consistent with the relief sought by the Defendants because the Defendants did not seek a stay of the case in its entirety pending their appeal.

Respectfully submitted,

/s/Marcella Ballard

Encl.

cc: Counsel of Record